

**Court of Appeals, State of Michigan**

**ORDER**

PEOPLE OF MI V DEMONTEZ ANTONIO SYKES

Docket No. 288885

LC No. 2007-213998-FC

Karen M. Fort Hood  
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the December 4, 2007 judgment of sentence and REMANDS this case for proceedings consistent with this order. Review of the plea transcript reveals that defendant entered a plea in accordance with *People v Cobbs*, 443 Mich 276, 283; 505 NW2d 208 (1993). If the sentencing court did not comply with the sentencing agreement, defendant had "an absolute right to withdraw the plea." *Id.* Here, the sentencing court did not acknowledge the *Cobbs* plea and did not allow defendant the opportunity to withdraw his plea when the sentence imposed exceeded the agreement. Accordingly, on remand, the sentencing court should address the *Cobbs* plea and the withdrawal of the plea if necessary.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 15 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk